

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RICHARD GENE REES,

Plaintiff,

v.

CV No. 21-00029 MV/CG

CLOVIS POLICE DEPARTMENT, et al.,

Defendants.

ORDER TO CURE DEFICIENCIES

THIS MATTER is before the Court on Plaintiff's handwritten letter, which alleges problems with a traffic stop and his arrest by officers of the Clovis Police Department. (Doc. 1). It appears Plaintiff, who is currently in the custody of the Curry County Detention Center, is attempting to assert claims under 42 U.S.C. § 1983. *Id.*

The Court finds Plaintiff's filing is deficient for two reasons. First, Plaintiff's filing is not in proper form, as required by Fed. R. Civ. P. 11(a). Second, Plaintiff failed to prepay the \$402 filing fee, or alternatively, file an Application to Proceed in District Court Without Prepaying Fees or Costs with a six-month account statement. See 28 U.S.C. §§ 1914 and 1915(a).

Plaintiff must cure these deficiencies if he wishes to pursue his claims. Plaintiff must prepay the \$402 filing fee, or alternatively, file an Application to Proceed in District Court Without Prepaying Fees or Costs along with a six-month account statement. Plaintiff must also refile an individual complaint on the proper § 1983 form. These deficiencies must be cured within thirty (30) days of entry of this Order. Plaintiff must include the civil action number (CV 21-00029 MV/CG) on all papers he files in this proceeding. If Plaintiff fails to cure these deficiencies within thirty (30) days, the Court

may dismiss this proceeding without further notice.

IT IS THEREFORE ORDERED that by **February 16, 2021**, Plaintiff shall: (1) refile his claims on the proper § 1983 form; and (2) either prepay the \$402 filing fee or submit an Application to Proceed in District Court Without Prepaying Fees or Costs along with a certified copy of Plaintiff's inmate account statement for the six-month period immediately preceding this filing.

IT IS FURTHER ORDERED that the Clerk shall mail to Plaintiff a copy of this Order, two (2) copies of a form § 1983 complaint with instructions, and two (2) copies of an Application to Proceed in District Court Without Prepaying Fees or Costs with instructions.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', is written over a horizontal line.

THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE